

**REMARKS**

Claims 1-25 are all the claims pending in the application. Claims 1-20 are withdrawn from consideration as being drawn to a non-elected invention. Claims 21-25 presently stand rejected.

Claims 21-25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Takahashi et al. (4,994,658) in view of Ohwa et al. (5,850,079).

**Analysis**

Applicant respectfully requests the Examiner to reconsider and withdraw the prior art rejections in view of the following comments.

The present invention is directed to an improved shutter mechanism for opening and closing a card entrance of a card reader. Referring to Figs. 28-33, the mechanism includes a card entrance 516 for inserting a card into the card reader, a card transporting path 519 in the card reader, and a shutter plate 502 disposed at an end of a card transporting path 519. The card entrance is disposed at an end of the card transporting path and the shutter plate is disposed at a side of the card entrance. Thus, the shutter plate opens and closes the card entrance which opens and closes the card transporting path. In particular, the shutter plate moves between a closing position and an opening position, both of these positions being located at the side of the card entrance, so as to open or close entry to the path.

Takahashi fails to teach or suggest these features. Takahashi relates to an optical card transporting mechanism. It relates to the movement of a carriage within a card transporting mechanism (see Restriction Requirement (paper no. 6) which distinguishes between movement of a carriage and a shutter opening/closing mechanism as being patentably distinct species).

The Examiner refers to the carriage 20 of Takahashi as being a shutter plate. However, the carriage 20 of Takahashi does not actually open and close the card entrance. Rather it conveys the card C to a reading or writing position. The carriage 20 is not capable of opening and closing the card entrance, and thus, closing the card transporting path. In the Final Rejection, the Examiner paraphrases the recitation of claim 21 and thus, does not accurately reflect the actual claim language. For instance, the rejection states that the shutter plate 20 “is movable between a first position *where* a card transporting path is closed...and a second position *where* the card transporting path is opened...” (emphasis added). However, claim 21 recites that the shutter plate is the element which performs the opening and closing of the card entrance, and thereby card transporting path. The carriage 20 does not perform this function, as it does not actually open and close the card entrance. The carriage does not close off entry to the card transporting path; in fact, it is located and moves along the card transporting path.

Still further, the carriage 20 is not disposed at the side of the card entrance, so that the closing position and opening position would be located at the side of the card entrance. Rather, the carriage 20 moves back and forth, toward and away from the card entrance, as it moves along the path. As pointed out by the Examiner, the carriage 20 moves from a first position (Fig. 9) to a second position (Fig. 7), and the carriage is moved away from the card entrance at this first position and thus, is not capable of (1) closing the card entrance, or (2) being disposed at the card entrance such that both the opening and closing positions are located at this location of the transporting path, i.e., the side of the card entrance.

In view of the foregoing, Takahashi fails to disclose the shutter plate of the present invention, as well as the card trap member detection noted by the Examiner.

Ohwa fails to cure the deficiencies of Takahashi. Thus, even if one were to combine the references, one would not have arrived at the invention according to claim 21, for the following reasons.

Specifically, Ohwa shows a pivoting shutter. This shutter corresponds to the prior art of the present invention. Namely, the shutter rotates around the pivot axis and thus, suffers from the problems noted in the background portion of the pending application. See page 4, line 13 to page 6, line 5. In contrast, the shutter in the present invention does not pivot as in Ohwa. The shutter of the present invention has an opening/closing-side end face 502a that is closed substantially parallel to the card transporting path at the closing position. This end face is moved substantially parallel to the card transporting path. Thus, there is no pivoting movement as in Ohwa, and thus, overcomes the problems of the prior art shutter mechanisms which entail this pivot movement.

In view of the foregoing, the combination of the cited references fails to teach or suggest the shutter plate of the present invention which opens and closes a card entrance by moving between opening and closing positions at a side of a card entrance, wherein the end face of the plate moves substantially parallel to the path and the closed position of the end face is substantially parallel to the path. Thus, claim 21 is patentable.

The remaining rejections are directed to the dependent claims. These claims are patentable for at least the same reasons as claim 21, by virtue of their dependency therefrom.

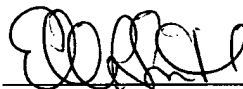
AMENDMENT UNDER 37 C.F.R. § 1.116  
U.S. Appln. No. 09/542,866

### Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Ellen R. Smith  
Registration No. 43,042

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE



23373

PATENT TRADEMARK OFFICE

Date: June 5, 2003

Attorney Docket No.: Q58719